

Message

From: Robiou, Grace [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1EE414FC6ABD4A879A237F08B0836353-GROBIOU1]
Sent: 11/30/2018 1:15:49 PM
To: Galavotti, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74e2fc60c1334a3c8ee727cbe415c2a3-Holly Galavotti]
Subject: Re: CBD sues EPA over climate-related ocean acidification

Holly

Thanks. What is the action Region 10 will take with their final document to be released soon? Will they be adding waters to the Oregon list?

Grace

Sent from my iPhone

On Nov 29, 2018, at 3:06 PM, Galavotti, Holly <Galavotti.Holly@epa.gov> wrote:

Grace –

Here is the OGC summary.

Holly

From: Glazer, Thomas
Sent: Thursday, November 29, 2018 3:01 PM
To: Curtin, James <curtin.james@epa.gov>; Galavotti, Holly <Galavotti.Holly@epa.gov>
Cc: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: RE: CBD sues EPA over climate-related ocean acidification

Holly,

I'm handling that case for OGC. Here is the summary that I sent around earlier this week to Jim Havard and John Goodin.

- Today, Nov. 27, 2018, the Center for Biological Diversity (CBD) filed the attached complaint in US District Court for the District of Oregon. The Complaint alleges that EPA has failed to take a final action regarding Oregon's 2012 Section 303(d) List, especially with respect to coastal waters that CBD alleges are impaired by ocean acidification. On December 21, 2016, EPA partially approved and partially disapproved Oregon's 2012 303(d) list, proposing to add waterbody segments to the State's list and expressly taking no action with respect to potential marine water impairments due to ocean acidification. EPA has not taken any further action with respect to the State's list since that time. The Complaint alleges a failure to perform a non-discretionary duty under CWA section 303(d) to identify impaired waters after EPA's partial disapproval of Oregon's 2012 303(d) list, as required by section 303(d)(2) of the CWA, 33 U.S.C. § 1313(d)(2). Region 10 is currently preparing a final decision document on Oregon's list for release within the next few weeks which will moot out this Complaint.

After R10 acts, it's possible (probably likely) that CBD will file a new lawsuit challenging the substantive action sometime in the new year. Let me know if you have any questions.

Best,
Tom

Tom Glazer
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<[1] Oregon Mandatory Duty Complaint.pdf>